

REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 23, 38, and 49 are amended. Claims 6, 28, and 41 are canceled without prejudice. Accordingly, claims 1-3, 7-11, 13, 23-27, 29-35, 38, 40, and 42-51 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-3, 7-11, 13, 23, 25-27, 29-35, 42, 44, and 47 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,301,586 issued to Yang et al. (hereinafter “Yang”) in view of U.S. Patent No. 6,567,983 issued to Shiimori (hereinafter “Shiimori”) in view of U.S. Patent Publication No. 2003/0133019 filed by Higurashi et al. (hereinafter “Higurashi”). Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988)*. Herein, the combined teachings of the cited references fail to describe or suggest all of the claim limitations.

For instance, claim 1, as amended, recites the elements of “requesting and receiving compensation from the client before the visual presentation is sent to the client, an amount of compensation varies depending on which sources of the plurality of sources are accessed to retrieve the plurality of presentation image where a first remote source is more expensive to access presentation images than a local second source.” The amendments incorporate the elements recited in claim 6. Claim 6 is also canceled in light of the amendments of claim 1.

The Applicants address here the Examiner’s rejection of claim 6 (see page 14 of the Office Action) based on Yang in view of Shiimori in view of Higurashi in further view of U.S.

Patent No. 5,940,806 issued to Danial (hereinafter “Danial”). The Examiner conceded that Yang in view of Shiimori in view of Higurashi fails to teach or suggest the elements related to “requesting and receiving compensation from the client before the visual presentation is sent to the client,” now recited in claim 1. Further, Danial fails to teach or suggest these elements in the manner recited in claim 1. Although Danial appears to disclose determining the cost for executing a client’s order, the manner in which this determination is accomplished is not disclosed based on the portion of Danial cited by the Examiner. See Danial, column 11, lines 10-15. In contrast, claim 1 recites the elements of “an amount of compensation varies depending on which sources of the plurality of sources are accessed to retrieve the plurality of presentation image where a first remote source is more expensive to access presentation images than a local second source.”

The Examiner has failed to point to the portion of Danial that discloses “a first remote source” and “a local second source.” Rather, it appears that Danial relies upon *a single database for locating data items* associated with a request. See Danial, column 9, lines 21-24. Therefore, it should be understood that the determination of the cost for executing a client’s order is based on data items in one location instead of “a first remote source” and “a local second source” as required by claim 1. The Applicants also note that Danial fails to disclose whether the data items are more expensive than each other in the manner recited in claim 1 (i.e., based on location). Consequently, for at least these reasons, Danial fails to teach or suggest the elements of “requesting and receiving compensation from the client before the visual presentation is sent to the client, an amount of compensation varies depending on which sources of the plurality of sources are accessed to retrieve the plurality of presentation image where a first remote source is more expensive to access presentation images than a local second source,” as recited in claim 1.

In light of the foregoing, Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and thus, withdrawal of the §103(a) rejection as applied to claim 1 are respectfully requested.

With respect to claims 2, 3, 7-11, 13, 42 and 44, Applicants again submit that a *prima facie* case of obviousness has not been established for these claims, especially in light of the amendments set forth herein. Moreover, based on the dependency of claims 2, 3, 7-11, 13, 42 and 44 on independent claim 1, which is believed by Applicants to be in condition for allowance,

no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 2, 3, 7-11, 13, 42 and 44 is respectfully requested.

In regard to claim 23, this claim, as amended, recites analogous elements to those in claim 1. Claim 23 now incorporates the limitations recited in claim 28. In light of the amendments, claim 28 is now canceled. For at least the reasons discussed in connection with claim 1, Yang in view of Shiimori in view of Higurashi fails to teach or suggest each element of claim 23. In addition, claims 25-27, 29-35, and 47 are patentable over Yang in view of Shiimori in view of Higurashi because each of these claims depends on claim 23. Accordingly, reconsideration and withdrawal of the §103(a) rejection of claims 23, 25-27, 29-35, and 47 is respectfully requested.

Claims 24, 43 and 46 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Shiimori in view of Higurashi in further view of U.S. Patent No. 6,369,835 issued to Lin (hereinafter "Lin").

In regard to claim 43, this claim depends from base claim 1 and incorporates the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 1, Yang in view of Shiimori in view of Higurashi fails to teach or suggest each element of claim 43. In addition, Lin fails to cures these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Lin that teaches the missing elements. As a result, Yang in view of Shiimori in view of Higurashi in further view of Lin fails to teach or suggest each element of claim 43. Accordingly, reconsideration and withdrawal of the rejection of claim 43 are respectfully requested.

In regard to claims 24 and 46, these claims depend from base claim 23 and incorporate the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 23, Yang in view of Shiimori in view of Higurashi fails to teach or suggest each element of claims 24 and 46. In addition, Lin fails to cures these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Lin that teaches the missing elements. As a result, Yang in view of Shiimori in view of Higurashi in further view of Lin fails to teach or

suggest each element of claims 24 and 46. Accordingly, reconsideration and withdrawal of the rejection of claims 24 and 46 are respectfully requested.

Claims 38 and 40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Lin in further view of Higurashi.

Claim 38, as amended, recites analogous elements to those recited in claim 1. The amendments incorporate the elements recited in 41. In light of the amendments of claim 38, claim 41 is also canceled. For at least the reasons discussed in connection with claim 1, Yang fails to teach or suggest each element of claim 38. Further, Lin and Higurashi fail to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Lin and Higurashi that teach or suggest the missing elements. As a result, Yang in view of Lin in further view of Higurashi fails to teach or suggest each element of claim 38. In addition, claim 40 overcomes the rejection because of its dependency on claim 38. Accordingly, reconsideration and withdrawal of the rejection of claims 38 and 40 are respectfully requested.

Claims 6 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Shiimori in view of Higurashi in further view of Danial. Claim 41 stands rejected under 35 U.S.C. § 103(a) over Yang in view of Lin in view of Higurashi in further view of Danial.

With respect to claims 6, 28, and 41, these claims have been canceled. Therefore, the Examiner's rejection is moot.

Claims 45 and 48 stand rejected under Yang in view of Shiimori in view of Higurashi in further view of U.S. Patent No. 6,892,351 issued to Vasudevan et al. (hereinafter "Vasudevan").

Claims 45 and 48 depend from base claims 1 and 23, respectively, and incorporate the limitations thereof. Therefore, for at least the reasons mentioned in connection with claims 1 and 23, Yang in view of Shiimori in view of Higurashi fails to teach or suggest each element of claims 45 and 48. In addition, Vasudevan fails to cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Vasudevan that teaches the missing elements. As a result, Yang in view of Shiimori in view of Higurashi in further view of Vasudevan fails to teach or suggest each element of claims 45 and 48. Accordingly, reconsideration and withdrawal of the rejection of claims 45 and 48 are respectfully requested.

Claims 49 and 50 stand rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Lin in view of Higurashi in further view of Shiimori.

Claim 49, as amended, incorporates analogous limitations to those recited in claim 38. Therefore, for at least the reasons mentioned in connection with claim 38, Yang in view of Lin in view of Higurashi fails to teach or suggest each element of claim 49. In addition, Shiimori fails to cure the deficiencies of claim 49. The Examiner has not cited and the Applicants are unable to discern the portion of Shiimori that teaches the missing elements. Therefore, for at least these reasons, Yang in view of Lin in view of Higurashi in further view of Shiimori fails to teach or suggest each element of claim 49. Further, claim 50 is not obvious over Yang in view of Lin in view of Higurashi in further view of Shiimori because of its dependency on claim 49. Accordingly, reconsideration and withdrawal of the rejection of claims 49 and 50 are respectfully requested.

Claim 51 stands rejected under 35 U.S.C. § 103(a) as being obvious over Yang in view of Lin in view of Higurashi in view of Shiimori in further view of Vasudevan. Claim 51 depends from claim 49 and incorporates the limitations thereof. Therefore, for at least the reason mentioned in connection with claim 49, Yang in view of Lin in view of Higurashi in further view of Shiimori fails to teach or suggest each element of claim 51. In addition, Vasudevan fails cure these deficiencies. The Examiner has not cited and the Applicants are unable to discern the portion of Vasudevan that teaches the missing elements. Therefore, for at least these reasons, Yang in view of Lin in view of Higurashi in further view of Shiimori in further view of Vasudevan fails to teach or suggest each element of claim 51.

CONCLUSION

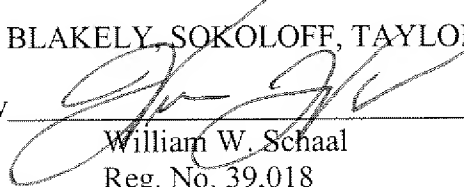
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (714) 557-3800.

Respectfully submitted,

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